

SUMMARY OF PROVISIONS IN H.R., THE PUBLIC SAFETY SPECTRUM AND WIRELESS INNOVATION ACT

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The Public Safety Spectrum and Wireless Innovation Act has seven titles. They are as follows:

Title I: Reallocation of Public Safety Spectrum

This title allocates the D-Block free of charge to public safety. It also gives the Federal Communications Commission the authority to allow public safety to use narrowband spectrum in a flexible manner.

Title II: Governance of Public Safety Spectrum

This title establishes the Public Safety Broadband Corporation, a non-profit entity, to hold the license for all public safety broadband spectrum, as well as to construct, operate, and upgrade a national interoperable public safety network. The initial source of funding for the Corporation's activities is to be loans from the Treasury; thereafter, auctions of commercial spectrum will replace such loans.

Title III: Spectrum Auction Authority

This title extends the Commission's authority to conduct auctions of spectrum for commercial use to 2021 from 2012. Importantly, it also grants the Commission the authority to conduct a one-time voluntary incentive auction of frequencies currently assigned to television broadcasters. This provision, section 303, is the only one that differs substantially from its Senate companion bill. In summary, the Commission is prohibited from involuntarily reclaiming frequencies licensed to broadcasters, as well as revoking the licenses of broadcasters or otherwise penalizing them for not taking part in the incentive auction. The Commission's authority is subject to conditions related to the treatment of low-power television stations, repacking, collocation, and reimbursement of costs for licensees directly or indirectly affected by the incentive auctions permitted under this section. This title also establishes the Incentive Auction Relocation Fund, whose funding is derived from the revenue of incentive auctions permitted under this section and to be used to reimburse all costs of licensees directly or indirectly affected by the incentive auction.

Title IV: Public Safety Trust Fund

This title establishes the Public Safety Trust Fund (hereafter “Fund”) in the U.S. Treasury. Revenues from spectrum auctions are to be deposited in the Fund and available for use until the end of fiscal year 2021. This title also establishes maximum amounts that can be taken from the Fund to be deposited into Incentive Auction Relocation Fund, the State and Local Implementation Fund, the Public Safety Broadband Corporation, Public Safety Research and Development, and Advanced Information and Technology Research. Monies remaining in the Fund after payment of the costs enumerated in the preceding sentence are to be used solely for deficit reduction. Finally, the Fund’s monies may be invested.

Title V: Spectrum Policy

This title requires the Comptroller General and all federal entities to complete spectrum reports detailing inventory, use, and needs. These reports will be used in aggregate to improve the efficiency of federal spectrum use, as well as inform a larger quadrennial report on national spectrum strategy.

Title VI: Studies on Next Generation 9-1-1 Services

This title directs the National Highway Traffic Safety Administration (NHTSA) and the Department of Homeland Security (DHS) to submit to Congress a report about the costs for specific Next Generation 9-1-1 service requirements and specifications, as well as recommendations for the statutory framework for such services.

Title VII: Miscellaneous

This title includes a severability clause and specifies that nothing in the Act shall add or subtract to authority the Commission may or may not have to regulate broadband Internet access service.